

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MILDRED LOUISE WEATHERSPOON

PLAINTIFF

V.

NO. 1:15CV00201-JMV

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration**

DEFENDANT

ORDER AWARDING ATTORNEY'S FEES

Before the court is Plaintiff's motion [16] for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, Plaintiff sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [15] dated June 10, 2016, the court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees under the EAJA on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." By the motion and attached exhibits, Plaintiff requests an award of \$4,330.90 in attorney's fees. The Commissioner does not oppose Plaintiff's request for attorney's fees but requests that the EAJA award be made payable directly to Plaintiff, not her counsel.

The court has considered Plaintiff's motion and supporting documentation and the record of this case and finds that the fee request is reasonable. Accordingly, the court will direct that the requested amount be paid to Plaintiff.¹

THEREFORE, IT IS ORDERED that Plaintiff's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall promptly pay Plaintiff \$4,330.90 for the benefit of her attorney.

THIS, the 22nd day of August, 2016.

**/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE**

¹ In *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010), the Supreme Court held that EAJA fees are payable to litigants. *Ratliff*, 130 S.Ct. at 2528.